

Montana Department of Public Health & Human Services	Policy
	SH CACFP 2011-7
Child and Adult Care Food Program	Subject: Suspension of Facility for Health and Safety Violation
	Effective Date: 12/1/2011

SUSPENSION OF FACILITY FOR HEALTH AND SAFETY VIOLATION

If the Sponsoring Organization (SO) or local health or licensing officials have cited a facility for serious health or safety violations, the SO must immediately suspend the facility's program participation, initiate action to terminate the facility's contract to operate the CACFP, and initiate action to disqualify the facility and the responsible individuals prior to any formal action to revoke the facility's licensure or approval in accordance with 7 CFR 226.6(c)(5).

The SO must provide a letter of Notice of Action to the facility owner stating that the SO intends to suspend the facility's participation in the CACFP (including all CACFP program payments), that the facility has been determined to be seriously deficient in its operation of the CACFP, and that the SO proposes to terminate the facility's contract and to disqualify the facility and the responsible individuals from participation in the CACFP. The Notice of Action letter must also specify:

- 1) That the SO is suspending the facility's participation (including program payments), proposing to terminate the facility's contract to operate the CACFP, and proposing to disqualify the facility and the responsible individuals;
- 2) The serious deficiency(ies);
- 3) That, if the facility voluntarily terminates its contract with the SO after having been notified of the proposed termination, the facility and the responsible principals and responsible individuals will be disqualified;
- 4) That the serious deficiency is not subject to administrative review;
- 5) The procedures for seeking an administrative review of the suspension, proposed termination, and proposed disqualifications; and
- 6) That, if the administrative review official overturns the suspension, the facility may claim reimbursement for eligible meals served and allowable administrative costs incurred during the suspension period.

The SO is prohibited from paying any claims for reimbursement from a suspended institution. However, if the suspended institution prevails in the administrative review of the proposed termination, the SO must pay any claims for reimbursement for eligible meals served and allowable administrative costs incurred during the suspension period.

The SO must inform the State agency immediately and copy all letters and all steps taken by the SO through the process of suspension for health and safety violation.